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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053408
Party	Plaintiff Anthony Kleinsmith
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Submission	Motion for Default Judgment
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Date	01/31/2011
Attachments	kleinsmith def jgt mot.pdf (2 pages)(306549 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

ANTHONY KLEINSMITH, Petitioner / Plaintiff, v. IMMUNE-TREE INTERNATIONAL, INC., Registrant / Defendant.	MOTION FOR DEFAULT JUDGMENT FOR FAILURE TO ANSWER Cancellation No. 92053408 Registration No. 2415620
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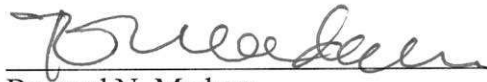
Pursuant to 37 C.F.R. Part 2 § 2.114(a) and Trademark Trial and Appeal Board Manual of Procedure (TBMP) (Second Edition, June 2003, Revision 1, March 2004), 312.01 and 508, Petitioner/Plaintiff Anthony Kleinsmith, by and through counsel of record, hereby moves the Board for a judgment by default against Registrant/Defendant Immune-Tree International, Inc. In support of the Motion, Petitioner/Plaintiff cites the following facts:

1. The Petition/Complaint requests cancelation of Registration No. 2415620 on the grounds of potential injury and non-use abandonment.
2. The Petition/Complaint was served on Registrant/Defendant by U.S. first-class mail on 14 December 2011, and was not returned.
3. Registrant/Defendant's answer was due 25 January 2011.
4. Registrant/Defendant has failed to answer the complaint.

WHEREFORE, Petitioner/Plaintiff requests that the Board enter judgment by default against Registrant/Defendant and cancel Registration No. 2415620, as requested the Petition/Complaint.

DATED this 21st day of January, 2011.

FILLMORE SPENCER LLC

A handwritten signature in cursive script, appearing to read "B. Madsen", written over a horizontal line.

Barnard N. Madsen
Attorneys for Petitioner/Plaintiff